



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: JULY 07, 2023

IN THE MATTER OF:

Appeal Board No. 629236

PRESENT: JUNE F. O'NEILL, MEMBER

In Appeal Board Nos. 629234, 629235, and 629236, the claimant appeals from the decisions of the Administrative Law Judge, filed May 8, 2023, which sustained the Commissioner of Labor's timeliness objection and continued in effect the initial determinations (1) holding the claimant ineligible to receive benefits, effective beginning June 20, 2022 and ending July 3, 2022, on the basis that the claimant did not comply with registration requirements; (2) holding the claimant ineligible to receive benefits, effective beginning July 4, 2022 and ending July 10, 2022, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and (3) holding the claimant ineligible to receive benefits, beginning effective July 11, 2022 and ending July 24, 2022, on the basis that the claimant did not comply with registration requirements.

At the combined hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance by the claimant.

Our review of the record reveals that the case should be remanded to hold a hearing on the issues of timeliness and the initial determinations. The claimant should be questioned regarding the hearing request dated September 20, 2022, that was processed on the initial determination of misconduct and whether she intended to request a hearing on the initial determinations at issue. This hearing request should be taken into evidence in the appropriate manner. The Judge should also take testimony and evidence on the merits of the initial determinations.

Now, based on all of the foregoing, it is

ORDERED, that the decisions of the Administrative Law Judge be, and the same hereby are, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issues, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render new decisions, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

JUNE F. O'NEILL, MEMBER